

REMARKS/ARGUMENTS

In view of the foregoing amendments and the following remarks, the applicants respectfully submit that the pending claims comply with 35 U.S.C. § 112, are not anticipated under 35 U.S.C. § 102 and are not rendered obvious under 35 U.S.C. § 103. Accordingly, it is believed that this application is in condition for allowance. If, however, the Examiner believes that there are any unresolved issues, or believes that some or all of the claims are not in condition for allowance, the applicants respectfully request that the Examiner contact the undersigned to schedule a telephone Examiner Interview before any further actions on the merits.

The applicants will now address each of the issues raised in the outstanding Office Action.

Objections

Claims 13-15 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form. Since, however, base claim 9 is allowable for the reasons stated below, the applicants have not elected to rewrite these claims at this time. The applicants note that claims 4-6 recite method acts corresponding to the acts performed by the programmable device in claims 13-15. Claims 4-6 were not specifically addressed in the rejection. Accordingly, the applicants believe that the Examiner should have indicated that these claims also recite allowable subject matter.

**Rejections under 35 U.S.C. § 112**

Claims 1 and 9 stand rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement. In particular, with respect to claim 1, the Examiner contends that the recitation "if the determined next link of the connection is determined to have sufficient capacity to meet that requested by the request, then updating connection admission control information to decrease the capacity of the link to reflect the capacity requested by the request" is not disclosed in the specification. Similarly, with respect to claim 9, the Examiner contends that the recitation "update the connection admission control information to decrease the capacity of the link to reflect the capacity requested by the request if the determined next link of the connection is determined to have sufficient capacity to meet that requested by the request" is not disclosed in the specification.

Page 33, line 4 of the originally filed specification states:

At block 1532, *the CAC table 285 is updated to reflect bandwidth allocated to the connection.* Then the method 240' proceeds to block 1536, where a connection identifier (reference number) allocation request is transmitted. Then method 240' proceeds to return node 1560 where it waits for a connection identifier (reference number). [Emphasis added.]

Claims 1 and 9 have been amended to more closely track this recitation in the specification.

Further, the specification has been amended such that this paragraph now reads:

At block 1532, the CAC table 285 is updated to reflect bandwidth allocated to the connection (e.g., to decrease the capacity of the link). Then the method 240' proceeds to block 1536, where a connection identifier (reference number) allocation request is transmitted. Then method 240' proceeds to return node 1560 where it waits for a connection identifier (reference number).

This amendment does not add new matter since it was included in the original claims and since it is implicit that allocating bandwidth causes the link to have less available bandwidth. This feature is included in new claims 30 and 31 which depend from claims 1 and 9, respectively.

In view of the foregoing, the applicants respectfully submit that the claims comply with 35 U.S.C. § 112, and respectfully request that the Examiner reconsider and withdraw this ground of rejection.

#### Rejections under 35 U.S.C. § 102

Claims 1-3, 7-9, 11, 12, 16, 20-22, 25, and 26 stand rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 5,881,050 ("the Chevalier patent"). The applicants respectfully request that the Examiner

reconsider and withdraw this ground of rejection in view of the following.

**Claims 1-3, 7-9, 11, 12 and 16**

Independent claims 1 and 9 are not anticipated by the Chevalier patent because the Chevalier patent does not teach a device (or acts) which (i) determines a next link of the connection based on the routing information, (ii) determines whether the determined next link of the connection has sufficient capacity to meet that requested by the request of the call, **and (iii) repeats (ii) and (iii) at least once to try an alternative next link if the next link of the connection is determined to not have sufficient capacity to meet that requested by the request.** This feature is illustrated in blocks 1512, 1516, 1524 and 1528 of Figure 15 and is described in the specification.

The Chevalier patent is now introduced. The Chevalier patent notes disadvantages of prior connection control techniques which could break already established connections if a new, higher priority, connection needed bandwidth used by an existing lower priority connection. For example, when discussing the past technique, the Chevalier patent states:

A straightforward method for assigning bandwidth relies simply on relative connection priorities. A new connection as well as a connection requiring a bandwidth increase is served on a priority basis, with the requesting connection possibly "preempting" bandwidth from already

established lower priority connections. *To avoid the hassle of such a solution, which might possibly require disrupting (i.e. breaking) an already established connection and looking for rerouting the corresponding path and thus possibly resulting in a network collapse, the present invention takes a different approach.* [Emphasis added.]

Column 9, lines 16-26.

The Chevalier patent splits bandwidth assignments to avoid breaking connections. In particular, the Chevalier patent states:

To that end, the bandwidth for any network connection is split into two parts or portions, i.e. a "nominal" bandwidth and a "common" bandwidth. The nominal bandwidth is assigned the priority (holding priority) of the connection. The common bandwidth is the bandwidth reserved by the connection in excess of its nominal bandwidth when a bandwidth increase is performed to satisfy a temporary need for additional bandwidth. The common bandwidth is assigned priorities which, while being individually related to each nominal bandwidths priorities are nevertheless lower than any nominal bandwidth priority. For example, if network connections can have nominal priority values between zero and  $p$ , the common bandwidth priority,  $q'$ , of a connection having a nominal priority  $q$ , may then be  $q'=q-p-1$ . But naturally different relationships between nominal priorities and associated common bandwidth priorities might be used **as long as: first whatever be the nominal priority, the common priorities shall always be lower than any nominal priority; second, the lower the nominal**

*priority, the lower the corresponding common priority.*

*Then any new connection setting or bandwidth increase in an already set connection becomes possible by preempting on connection common bandwidth while leaving all connections nominal bandwidths untouched (or at least affected only down to a predefined minimum) thus allowing avoiding any disruptive effect of an already established connection. With this approach, it is also possible to control or adjust bandwidth adaptation from within the network (within any network node) and thus adjust the traffic on fairer basis. The method is also made further adjustable by defining minimal values for the nominal bandwidths and allowing, in case of any nominal bandwidth required being superior to the total common bandwidth, preempting on nominal bandwidths of lower priorities, but only down to the defined minimals.*

Bearing in mind that each priority level shall, in practice, be assigned to a great number of connections (e.g. one hundred connections), the chances for seriously disturbing the network by reassigning some nominal bandwidth are quite low. [Emphasis added.]

Column 9, lines 27-67.

In the Chevalier patent, the path sought to be established is performed by the "entry" node (or "origin" node, or "access" node). (See, e.g., column 6, lines 56-67, column 8, lines 29-32, and elements 400 and 402 of Figure 3.) (The applicants believe that this node is commonly referred to in the art as an "ingress" node.)

In any event, the Examiner contends that Figure 6 of the Chevalier patent illustrates repeating, if a connection is determined not to sufficient capacity to meet that requested by the request, determining whether **an alternative next link** has sufficient capacity. However, in Figure 6 of the Chevalier patent, if a link doesn't have enough available bandwidth to meet a request (See NO branch of decision block 1.), it is determined whether or not the bandwidth needed for the request is available via non-disruptive preemption (See decision block 3 and column 12, lines 49-58.) Thus, an alternative link is not checked. Rather, it is determined whether existing connections on a given link can be preempted without disrupting (e.g., terminating) such connections.

Thus, independent claims 1 and 9 are not anticipated by the Chevalier patent for at least the foregoing reason. Since claims 2, 3, 7 and 8 depend, either directly or indirectly, from claim 1, and since claims 11, 12 and 16 depend, either directly or indirectly from claim 9, these claims are similarly not anticipated.

**Claims 20-22, 25 and 26**

Since independent claims 20 and 25 have been canceled, this ground of rejection is rendered moot with respect to these claims.

Claim 22 has been rewritten in independent form to include the recitation of canceled claim 20. Claim 21 has been amended to depend from claim 22. Independent claim 22 is not anticipated by the Chevalier patent because the Chevalier patent does not teach an act of

allocating communication resources of the link to the call includes determining available channels of the link until the sum of capacity of the determined available channels is enough to satisfy the call. Frankly, the Examiner did not address this claimed feature in the rejection. If this ground of rejection is maintained in any future actions, the applicants respectfully request that the Examiner specifically reference the section of the Chevalier patent alleged to teach this feature.

Since claim 21 now depends from claim 22, it is similarly not anticipated.

Since claim 26 now depends from claim 27 (which has been rewritten in independent form to include the recitations of canceled claim 25 to include similar features), claim 26 is also not anticipated (nor rendered obvious) by the Chevalier patent.

#### Rejections under 35 U.S.C. § 103

Claims 10, 23, 24 and 27-29 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over the Chevalier patent. The applicants respectfully request that the Examiner reconsider and withdraw this ground of rejection in view of the following.

Regarding dependent claim 10, the Examiner concludes that it would have been obvious to use a field programmable gate array in the Chevalier patent so that it could be programmed to work properly. Even assuming arguendo that this is true, this does not compensate for the deficiencies of the Chevalier patent with respect to claim 9 from which claim 10 depends. Therefore, this claim is not rendered obvious by the Chevalier patent.

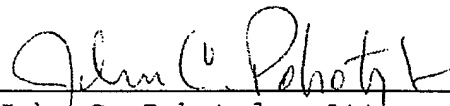
Claim 27 has been rewritten in independent form to include the features of canceled claim 25. Similar to claim 22 addressed above, claim 27 recites that the link is a multiplexed link having channels, and that the act of allocating communication resources of the link to the call includes determining available channels of the link until the sum of capacity of the determined available channels is enough to satisfy the call. Frankly, the Examiner did not address this claimed feature in the rejection. If this ground of rejection is maintained in any future action, the applicants respectfully request that the Examiner specifically reference the section of the Chevalier patent alleged to suggest this feature.

#### Conclusion

In view of the foregoing amendments and remarks, the applicant respectfully submits that the pending claims are in condition for allowance. Accordingly, the applicants request that the Examiner pass this application to issue.

Respectfully submitted,

May 15, 2006

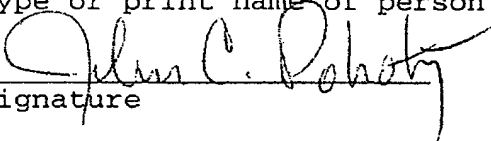
  
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